

Sen. Dan Duffy

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09700SB2945sam002

LRB097 17926 RPM 66893 a

- 1 AMENDMENT TO SENATE BILL 2945 AMENDMENT NO. . Amend Senate Bill 2945, AS AMENDED, 2 3 by replacing everything after the enacting clause with the 4 following: "Section 5. The Right to Privacy in the Workplace Act is 5 6 amended by changing Section 5 as follows: 7 (820 ILCS 55/5) (from Ch. 48, par. 2855) 8 Sec. 5. Discrimination for use of lawful products 9 prohibited. 10 (a) Except as otherwise specifically provided by law and except as provided in subsections (b) and (c) of this Section, it shall be unlawful for an employer to refuse to hire or to
- except as provided in subsections (b) and (c) of this Section,

 it shall be unlawful for an employer to refuse to hire or to

 discharge any individual, or otherwise disadvantage any

 individual, with respect to compensation, terms, conditions or

 privileges of employment because the individual uses lawful

 products off the premises of the employer during nonworking

hours.

- (b) This Section does not apply to any employer that is a non-profit organization that, as one of its primary purposes or objectives, discourages the use of one or more lawful products by the general public. This Section does not apply to any for-profit employer that, as its sole business purpose or objective, provides medical or hospital treatment to patients who have a cancerous condition, and that refuses to hire or discharges any individual, or otherwise disadvantages any individual, with respect to compensation, terms, conditions, or privileges of employment because the individual uses tobacco products, including cigarettes, pipes, cigars, chewing tobacco, snus, snuff, clove cigarettes, electronic cigarettes, and similar products. This Section does not apply to the use of those lawful products which impairs an employee's ability to perform the employee's assigned duties.
- (c) It is not a violation of this Section for an employer to offer, impose or have in effect a health, disability or life insurance policy that makes distinctions between employees for the type of coverage or the price of coverage based upon the employees' use of lawful products provided that:
 - (1) differential premium rates charged employees reflect a differential cost to the employer; and
- (2) employers provide employees with a statement delineating the differential rates used by insurance carriers.

- 1 (Source: P.A. 87-807.)
- 2 Section 99. Effective date. This Act takes effect upon
- 3 becoming law.".